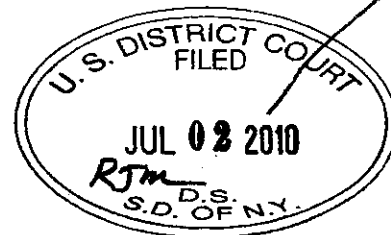


DOC # 10



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
IN THE MATTER OF THE REVISED PLAN
FOR FURNISHING REPRESENTATION
PURSUANT TO THE CRIMINAL JUSTICE
ACT OF 1964
----- X

ORDER
M10-468

The Board of Judges of the Southern District of New York approved and adopted the following amendment to the Plan under the Criminal Justice Act of 1964. The new language is shown in bold; deleted, strike-out.

X. SERVICES OTHER THAN COUNSEL

A. UPON REQUEST

Counsel (whether or not appointed pursuant to this Plan) who represents a party who is financially unable to obtain investigative, expert or other services necessary for an adequate defense may request such services in an *ex parte* application before a district judge or magistrate judge (if the services are required in connection with a matter over which the magistrate judge has jurisdiction or if the district judge otherwise refers such application to a magistrate judge for findings and report). Any such *ex parte* application for investigative, expert or other services necessary for an adequate defense shall be heard *in camera* and shall not be revealed without the consent of the defendant. The statements made in support of the application shall be made under oath or by sworn affidavit. If, after appropriate inquiry, the Court shall find that the services are necessary, and that the person is financially unable to obtain them, it shall issue an order authorizing the counsel to obtain the services. The order shall specify the type, purpose, and limitation of the services to be obtained, including the maximum amount to be expended for such services. In no instance shall the amount ~~authorized to be expended~~ ~~authorized to be expended exceed \$1,600~~ **exceed the amount authorized by statute and Judicial Conference policy** per individual or corporation providing the services (exclusive of expenses reasonably incurred) unless payment in excess of that limit is certified by the district judge or magistrate judge as necessary to provide fair compensation for services of an unusual character or duration and the amount of the excess payment is approved by the Chief Judge of the Circuit or such active Circuit Judge to whom the Chief Judge has delegated such approval authority.

B. WITHOUT PRIOR REQUEST

Counsel appointed pursuant to this Plan may obtain - subject to later review - investigative, expert or other services without prior judicial authorization if it is necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed ~~a the maximum of \$500~~ **amount authorized by statute and Judicial Conference policy** per individual or corporation providing the services (exclusive of expenses reasonably incurred). However, a district judge or

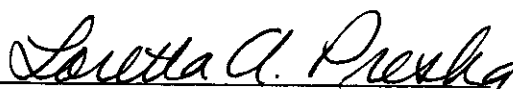
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magistrate judge (if the services were rendered in a case disposed of entirely by a magistrate judge) may, in the interests of justice, and upon finding that timely procurement of necessary services could not await prior authorization, approve payment for such services after they have been obtained, even if the cost of such services exceeds \$500 **the maximum amount authorized by statute and Judicial Conference policy.**

The amendment is effective June 30, 2010, subject to review by the Judicial Council.

SO ORDERED.



LORETTA A. PRESKA

Chief Judge

Dated: June 30, 2010
New York, New York